



Crl.O.P.(MD)Nos.23 and 27 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.23 and 27 of 2024
and
Crl.M.P.(MD)Nos.27 and 33 of 2024

Crl.O.P.(MD)No.23 of 2024:-

1.Nagoormeeran
2.R.Jeyapriya

... Petitioners

Vs.

1.The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
(Crime No.317 of 2023)

2.Perumalsamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records pertaining to Crime No.317 of 2023, on the file of the first respondent Police and quash the same.

For Petitioners : Mr.R.J.Karthick

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)



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For R2

: Mr.M.Rahul Kumar

Crl.O.P.(MD)No.27 of 2024:-

Nagoormeeran

... Petitioner

Vs.

1.The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
(Crime No.325 of 2023)

2.Vijay Ananth

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records pertaining to Crime No.325 of 2023, on the file of the first respondent Police and quash the same.

For Petitioner : Mr.R.J.Karthick

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

For R2 : Mr.S.Palani Kumar

COMMON ORDER

These Criminal Original Petitions have been filed invoking Section 482 of the Cr.P.C., seeking orders to quash the proceedings in Crime Nos.317 and 325 of 2023, on the file of the respondent Police.



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2. The petitioner / Nagoormeeran has filed an affidavit dated 06.12.2024, listing 13 cases against him. Among the said cases, the case in Crime No.538 of 2013 was closed as 'mistake of fact' by the Alangulam Police. As far as Crime No.316 of 2023 is concerned, this Court had quashed the proceedings in Crl.O.P.(MD)No.17019 of 2023. In Crime No.380 of 2020, this Court quashed the proceedings against the petitioner in Crl.O.P.(MD)No.2551 of 2022. Similarly, Crime No.336 of 2023 was quashed in Crl.O.P.(MD)No.19180 of 2023 on 30.10.2023. The petitioner was acquitted in Crime No.98 of 2008 in C.C.No.376 of 2001 on 29.08.2022, and with regard to Crime No.13 of 2020, he was acquitted in S.C.No.593 of 2021 on 08.06.2023. Now, four cases remain pending against the petitioner, and he has taken steps to reach a compromise with the victims in those cases. In Crime No.9 of 2024, filed by the Tenkasi Police, he has been named as an accused based on the confession of a co-accused.

3. The crux of the matter is that the petitioner is a realtor who developed a layout and sold plots to various individuals. Due to difficulties in regularizing the plots, some victims have filed complaints,



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alleging they were cheated. However, the petitioner has worked to regularize the plots wherever possible, and where the issue could not be resolved, he reimbursed the plot owners and reconveyed the properties. The petitioner has now reached a compromise with the de-facto complainant, who has filed an affidavit to that effect.

4. The learned Government Advocate (Criminal side) has submitted that the petitioner is a realtor involved in developing layouts. The learned Government Advocate (Criminal side) has produced a list of pending cases against the petitioner but not seriously disputes the contentions raised by the learned counsel for the petitioners.

5. The cases are still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. Joint Memos of Compromise have been filed before this Court, which have been signed by the petitioners and the second respondent and also by their respective counsels. The parties were also present in person



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before this Court and they were identified by Mr.T.Muthukrishnan, Special Sub-Inspector of Police, Courtallam Police Station, Tenkasi District, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. In the instant cases, the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaints.

6. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in ***(2017) 9 SCC 641*** were taken into consideration.

7. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Crime Nos.317 and 325 of 2023, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.



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8. Accordingly, these Criminal Original Petitions stand allowed and as a sequel, the proceedings in Crime Nos.317 and 325 of 2023, on the file of the first respondent Police, are quashed and the terms of joint compromise memos shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

18.12.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Common Order made in
Crl.O.P.(MD)Nos.23 and 27 of 2024

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